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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,049	01/08/2002	Michael Wayne Brown	AUS920000718US1	4476
7590	09/21/2006		EXAMINER	
David Victor, Esq 315 South Beverly Dr., Ste. 210 Beverly Hills, CA 90212			CHEA, PHILIP J	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,049

Applicant(s)

BROWN ET AL.

Examiner

Philip J. Chea

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-29, 31-49, 51 and 52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-29, 31-49, 51 and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/20/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to an Amendment filed July 19, 2006. Claims 1-17,19-29,31-49,51-52 are currently pending. Any rejection not set forth below has been overcome by the current Amendment.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3,5-11,13-17,20-25,27-29,32-35,37-43,45-49,52, are rejected under 35 U.S.C. 102(e) as being anticipated by Berenson et al. (US 2001/0049617), herein referred to as Berenson.

As per claims 1,21,33, Berenson discloses a system implemented by a wireless device to provide information on a scheduled event in a person information manager (PIM) application, wherein the wireless device performs:

receiving a code provided with a promotion of a promoted event sponsored by a third party entity (see page 2, paragraph [0027]);

transmitting the received code to a server including a calendar database having personal calendar information for a user of the transmitting wireless device including scheduled event records, wherein the server maintains an association of promoted event codes with third party entities sponsoring the promoted events, and wherein the received code is provided from a source external to the server (see page 2 paragraph [0029]);

receiving from the server a scheduled event record including information on the promoted event associated with the code (see page 2, paragraph [0029]); and

Art Unit: 2153

rendering calendar information from the calendar database at the wireless device including information on the scheduled event included in the scheduled event record (see page 4, paragraph [0045]).

As per claims 2,34, Berenson further discloses that the code is entered via a user input mechanism on the wireless device (see page 2, paragraph [0027]).

As per claims 3,35, Berenson further discloses that the code is transmitted to the wireless device via a wireless transmission medium (see page 4, paragraph [0045]).

As per claims 5,22,37, Berenson further discloses that the scheduled event record is displayed with the calendar information at the wireless device as a non-committed event (see page 2, paragraph [0024]).

As per claims 6,38, Berenson further discloses that the code is transmitted to the server in response to the user input at the wireless device (see page 2, paragraph [0027]).

As per claims 7,39, Berenson further discloses receiving a plurality of codes associated with promoted events sponsored by at least one third party entity, wherein transmitting the code to the server comprises transmitting the plurality of codes, wherein receiving the scheduled event record from the server further comprises receiving one scheduled event record for each transmitted code, and wherein rendering calendar information at the wireless device including information on the scheduled event comprises rendering information on scheduled events for the received scheduled event records (see page 2, paragraphs [0027,0029]).

As per claims 8,23,40, Berenson discloses a system implemented by a server to provide schedule events for users of wireless devices, wherein the wireless devices are capable of displaying calendar information on scheduled events, comprising:

maintaining an association of codes with promoted events sponsored by third party entities, wherein the received codes are provided to the users of the wireless device from a source external to the server and with a promotion of a promoted event sponsored by a third party entity; (see page 2, paragraph [0024]);

Art Unit: 2153

maintaining a calendar database having personal information for the users of the wireless devices (see paragraph [0026]);

receiving a code associated with on promoted event sponsored by one third party entity transmitted from one of the wireless devices (see page 2, paragraph [0027]);

determining a scheduled event record including information on the promoted event corresponding to the received code (see page 3, paragraph [0030]);

adding the determined schedule event record to the calendar database for the user of the wireless device that transmitted the code (see page 2, paragraph [0029]); and

transmitting the determined scheduled event record to the wireless device that transmitted the code, wherein the wireless device is capable of rendering calendar information including information on the scheduled event included in the transmitted scheduled event record (see page 2, paragraph [0029]).

As per claims 9,41, Berenson further discloses providing a data structure including a plurality of codes and associating with each code one scheduled event record, wherein determining the scheduled event record corresponding to the received code comprises searching the data structure for one code matching the received code transmitted from the wireless device and the associated scheduled event record (see page 2, paragraph [0027]).

As per claims 10,24,42, Berenson further discloses that a plurality of codes are received from the wireless device and one determined scheduled event record for each code is transmitted to the wireless device transmitting the plurality of codes (see page 2, paragraph [0027]).

As per claims 11,25,43, Berenson further discloses that schedule event records and codes are provided for different event promoters (see page 2, paragraph [0020]).

As per claims 13,27,45 Berenson further discloses a system implemented by a wireless device to provide information on a scheduled event to a personal information manager (PIM) application, wherein the wireless device performs:

receiving a scheduled event record including information on a scheduled event transmitted from a transmitter system for a promoted event sponsored by a third party entity including at least one scheduled event record when the wireless device is within a broadcast range of the transmitter system (see page 2,

Art Unit: 2153

paragraph [0024], and paragraph [0007], wherein receiving event messages with wireless transmission implicitly, if not inherently, requires that the wireless device is within a broadcast range of the transmitter system in order to receive the event);

rendering calendar information at the wireless device including information on the promoted event included in the scheduled event record (see page 4, paragraph [0045]); and

transmitting the scheduled event record for the promoted event to a server including a calendar database for a user of the transmitting wireless device including scheduled event records, wherein the server stores the transmitted scheduled event record for the promoted event with the calendar database records for the user of the wireless device (see page 3, paragraph [0030]).

As per claims 14,46, Berenson further discloses receiving user input to accept the scheduled event record, wherein information on the scheduled event in the scheduled event record is rendered with calendar information and wherein the scheduled event record is transmitted to the server to include in the calendar database for the user of the wireless device after receiving the user input to accept the scheduled event record (see Berenson page 3, paragraph [0032]).

As per claims 15,28,32,47 Berenson further discloses receiving a list of scheduled events for promoted events from at least one third party entity from the transmitter system (see page 2, paragraph [0021]);

receiving user input selecting at least one of the scheduled events on the list for one promoted event (see Berenson page 2, paragraph [0024]); and

transmitting information on the selected at least one schedule event to the transmitter system, wherein receiving the scheduled event record further comprises receiving one scheduled event record for each selected scheduled event (see Berenson page 2, paragraph [0029]).

As per claims 16,48, Berenson further discloses that rendering the calendar information at the wireless device further comprises rendering information on the scheduled event included in each received scheduled event record, and wherein transmitting the scheduled event to the server further comprises transmitting each scheduled event to the server (see Berenson page 2, paragraph [0024]).

Art Unit: 2153

As per claims 17,29,49, Berenson further discloses a system implemented by a transmitter for transmitting information on scheduled events, comprising:

providing information on at least one scheduled event record, wherein each scheduled event record includes information on a scheduled promoted event sponsored by an event promoter (see Berenson page 2, paragraph [0021]); and

transmitting the at least one scheduled event record for at least one promoted event sponsored by at least one event promoter to wireless devices within a broadcast range of the location transmitter, wherein the wireless device adds the scheduled event record to calendar information for the wireless device user (see Berenson page 2, paragraph [0027] and paragraph [0007], wherein receiving event messages with wireless transmission implicitly, if not inherently, requires that the wireless device is within a broadcast range of the transmitter system in order to receive the event).

As per claims 20,52 Berenson further discloses transmitting a list of scheduled promoted events from at least one event promoter (see Berenson page 2, paragraph [0021]);

receiving, from the wireless device, user input indicating selection of at least one of the scheduled promoted events on the list (see Berenson page 2, paragraph [0024]); and

transmitting the scheduled event record for each selected scheduled event to the wireless device from which user input was received (see Berenson page 2, paragraph [0029]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berenson as applied to claims 3 and 35 above, and further in view of Extended Systems ("IrDA versus Bluetooth: A Complementary Comparison").

Art Unit: 2153

Although the system disclosed by Berenson shows a code transmitted to a wireless device, transmitted from the wireless device to the server, it fails to disclose that the code is rendered at the wireless device automatically without any intervening user action.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Berenson, as evidenced by Extended Systems.

In an analogous art, Extended Systems disclose methods of communicating by wireless transmission further showing that it would have been obvious to allow a code rendered at a wireless device automatically without any intervening user action (see page 4, paragraph 2, where information is extended between two devices without user intervention).

Given the teaching of Extended Systems, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Berenson by employing data transmission without any intervening user action, such as disclosed by Extended Systems, in order to allow a user to synchronize a handheld device with another computer without having to utilize messy cords.

5. Claims 12,19,26,31,44,51, are rejected under 35 U.S.C. 103(a) as being unpatentable over Berenson as applied to claims 11,17,25,29,43,49 above, and further in view of Ciarlante et al. (US 6,532,488).

As per claims 12,26,44, although the system disclosed by Berenson shows making scheduled event records for the promoter available to wireless devices in response to transmissions of the code associated with the scheduled event record (see page 2, paragraph [0029]), it fails to disclose charging a fee to the event promoter to include one scheduled event record in the data structure.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Berenson, as evidenced by Ciarlante et al.

In an analogous art, Ciarlante et al. disclose a host server connected to different independent software vendors, which provide applications to the host server, which are available for use by clients. Ciarlante further discloses charging a fee to the independent software vendors for hosting the software made available to the clients (see column 12, lines 36-45).

Art Unit: 2153

Given the teaching of Ciarlante et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Berenson by employing a charging system for utilizing a hosting system, such as disclosed by Ciarlante, in order for a hosting system to profit off independent vendors to use the portal to the vendors that the hosting system provides.

As per claims 19,31,51, Berenson in view of Ciarlante et al. further disclose that the event promoter pays a fee to have the transmitter system broadcast scheduled event records having information on events offered by the event promoter (see column 12, lines 36-45).

Response to Arguments

6. Applicant's arguments filed August 1, 2006 have been fully considered but they are not persuasive.

(A) Applicant contends that Berenson does not show a code provided with a promotion of a promoted event sponsored by a third party.

(B) Applicant contends that Berenson does not show that the calendar database has personal calendar information for the user.

(C) Applicant contends that Berenson does not show that the received code is provided from a source external to the server.

(D) Applicant has declared that Myllymaki was commonly owned at the time of the invention of the present application.

In considering (A), the Examiner respectfully disagrees. The limitation requiring a code is not specific enough to overcome the prior art rejection. The format of the code is not clear. A code is broadly interpreted as the hyperlink text that a user may select to access a promoted event (see paragraph [0021]). The Examiner invites the Applicant to clearly distinguish the claimed code from the prior art in order to overcome the prior art rejection. In considering the promotion of a promoted event, the Examiner believes that the events disclosed in Berenson (see paragraph [0020]) are associated with promotions

Art Unit: 2153

that list the events available for scheduling. The listings of the events are believed to be enough evidence in teaching a promotion of a promoted event.

In considering (B), the Examiner respectfully disagrees. The broad limitation requiring the calendar database to have personal calendar information is not enough to overcome the prior art. It is unclear what personal calendar information is. Berenson at least discloses events that are scheduled to a user and are displayed for a user and not the general public. The Examiner believes this is enough evidence to teach the personal calendar information. The Examiner invites the Applicant to clearly distinguish the claimed personal calendar information from the prior art.

In considering (C), the Examiner respectfully disagrees. Berenson shows at least one instance where the received code is provided from a source external to the server (see paragraph [0020-0021]). The received codes are provided from a variety of sources, such as public or private events, campus events, etc. The Examiner believes that this is enough evidence to teach the broad limitation that the received code is provided from a source external to the server.

In considering (D), the Examiner has withdrawn the rejection using Myllymaki. However, new grounds of rejection are presented using Berenson (the primary reference) to anticipate the claims. The Examiner believes that Berenson implicitly, if not inherently, requires that the wireless device is within a broadcast range of the transmitter system in order to receive the event messages with wireless transmission.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

Art Unit: 2153

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

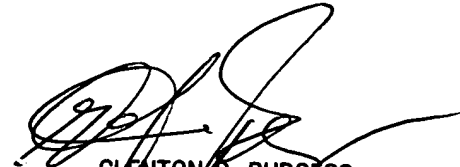
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Philip J Chea
Examiner
Art Unit 2153

PJC 9/14/06


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